

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: TELEGLOBE COMMUNICATIONS
CORPORATION, *et al.*,

Debtors.

TELEGLOBE USA INC. *et al.*,

Plaintiffs,

v.

BCE INC. *et al.*,

Defendants.

Chapter 11

Jointly Administered

Bankr. Case No. 02-11518 (MFW)

Civ. Action No. 04-1266 (SLR)

DECLARATION OF STEPHEN J. MARZEN

Stephen J. Marzen declares under penalty of perjury:

1. I am a partner at Shearman & Sterling, LLP, representing Defendants in the above-captioned matter.

2. I make this affidavit in support of Defendants' Motion *in Limine* to Exclude the Expert Testimonies of Paul Charnetzki and Carlyn Taylor as a Sanction for the Spoliation of Information Considered in Forming their Opinions. The depositions referenced herein were taken by Defendants during the course of the above-captioned lawsuit.

3. Attached as Exhibit 1 to this Declaration is a true and correct copy of a letter dated March 16, 2006 from Russell Silberglied at Richards, Layton & Finger to Jaculin Aaron at Shearman & Sterling and an attachment thereto entitled "Expert Document Production." Also attached as Exhibit 1 is a true and correct copy of a letter dated March 24, 2006 from Jaculin Aaron to Russell Silberglied in response.

4. Attached as Exhibit 2 to this Declaration is a true and correct copy of deposition transcript excerpts from the May 3, 2006 deposition of Paul Charnetzki.

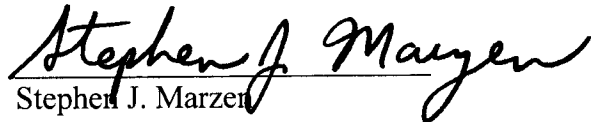
5. Attached as Exhibit 3 to this Declaration is a true and correct copy of deposition transcript excerpts from the May 9, 2006 deposition of Carlyn Taylor.

6. Attached as Exhibit 4 to this Declaration is a true and correct copy of excerpts from the Expert Report of Paul Charnetzki, dated March 8, 2006.

7. Attached as Exhibit 5 to this Declaration is a true and correct copy of excerpts from the Expert Report of Carlyn Taylor, dated March 8, 2006.

8. Attached as Exhibit 6 to this Declaration is a true and correct copy of excerpts from the Expert Report of Walda Roseman, dated March 8, 2006.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 23, 2006.


Stephen J. Marzen

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2006, I electronically filed a true and correct copy of foregoing document was filed with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on May 23, 2006, I caused a copy of the foregoing document on the to be served upon the following non-registered participants in the manner indicated below:

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